

State Employment Relations Board

Board Meeting Minutes

April 21, 2016

The State Employment Relations Board met on April 21, 2016, at 10:00 a.m., at 65 East State Street, 12th Floor, Columbus, Ohio. Present at the meeting were Chair W. Craig Zimpher and Vice Chair Aaron A. Schmidt. The third SERB member position is vacant.

I. APPROVAL OF MINUTES FOR THE MARCH 31, 2016 BOARD MEETING:

Vice Chair Schmidt moved that the Board approve the minutes for the March 31, 2016 meeting. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

II. MEDIATION AND FACT-FINDING MATTERS AT ISSUE:

There were no mediation matters.

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 2016-REP-01-0002 Tom Moses and International Union of Operating Engineers, Local and City of Findlay
(May 3, 2016 - May 16, 2016)
2. Case 2016-REP-01-0011 Joseph Sizemore and Fraternal Order of Police, Ohio Labor Council, Inc. and Gallia County Sheriff's Office
(May 3, 2016 - May 16, 2016)

The parties have entered into Consent Election Agreements seeking mail-ballot elections.

Vice Chair Schmidt moved that the Board approve the Consent Election Agreements and direct mail ballot-elections to be conducted during the polling period of May 3, 2016 through May 16, 2016. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

3. Case 2016-REP-03-0027 National Production Workers Union Local 707 and City of Beachwood
4. Case 2016-REP-03-0028 Fraternal Order of Police, Ohio Labor Council, Inc. and Cincinnati State Technical and Community College
5. Case 2016-REP-03-0031 Kenton Education Association OEA/NEA and Kenton Local Schools

Petitions for Amendment of Certifications were filed. The proposed amendments appear appropriate.

Vice Chair Schmidt moved that the Board approve the jointly filed petitions and amend the units accordingly. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

6. Case 2016-REP-02-0012 Ohio Patrolmen's Benevolent Association and South-East Emergency Communications Center

Vice Chair Schmidt moved that the Board order the parties to participate in an Inquiry to determine the appropriate bargaining unit by determining whether the Dispatchers classification is the same classification as the Telecommunicators and to determine all other related matters regarding the proposed bargaining unit. The date and time of the Inquiry and the Inquiry procedures will be addressed in a procedural order issued by the Office of the General Counsel of the State Employment Relations Board. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

7. Case 2016-REP-03-0029 Andrew Baughey and American Federation of State, County and Municipal Employees, Local 1792 and Brown County Department of Job and Family Services

A Petition for Decertification Election seeking to decertify American Federation of State, County and Municipal Employees, Local 1792 was filed. The Employee Organization subsequently filed a Disclaimer of Interest. The parties confirm no contract exists.

Vice Chair Schmidt moved that the Board construe the Disclaimer of Interest as a Motion to Revoke Certification, grant the motion, revoke the Employee Organization's certification, and dismiss the Petition for Decertification Election as moot. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

8. Case 2016-REP-02-0014 Teamsters Local 20 and Lucas County Common Pleas Court

9. Case 2016-REP-02-0021 Teamsters Local 20 and Lucas County Common Pleas Court

10. Case 2016-REP-03-0025 Fraternal Order of Police/Ohio Labor Council and City of Campbell

The Employee Organizations filed requests to withdraw were filed by motions and letter.

Vice Chair Schmidt moved that the Board construe the Employee Organization's letter as a motion to withdraw, grant all motions and dismiss without prejudice each Request for Recognition. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

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Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

11. Case 2016-REP-03-0034 Bath Township Professional Fire Fighters, IAFF Local 4539 and Bath Township

The parties jointly filed a Petition for Amendment of Certification and subsequently filed a letter seeking to withdraw the petition.

Vice Chair Schmidt moved that the Board construe the parties' letter as a motion to withdraw, grant the motion, and dismiss without prejudice the Petition for Amendment of Certification. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

12. Case 2016-REP-02-0018 Fraternal Order of Police, Ohio Labor Council and Guernsey County Sheriff

The FOP filed an Opt-In Request for Recognition seeking to include Sergeants of the Guernsey County Sheriff in the bargaining unit. The substantial evidence is sufficient, and no objections were filed.

Vice Chair Schmidt moved that the Board certify the Employee Organization as the exclusive representative of all employees in the relevant bargaining unit. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

13. Cases 2015-REP-05-0053 Fraternal Order of Police, Ohio Labor Council,
2015-REP-07-0073 Inc. and University of Toledo - Medical College of Ohio

- There were eight (8) valid ballots cast
- There were zero (0) void ballots
- There were zero (0) challenged ballots
- No Representative received zero (0) votes
- Fraternal Order of Police, Ohio Labor Council, Inc. received eight (8) votes
- Fraternal Order of Police, Ohio Labor Council, Inc. prevailed in this election.

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14. Case 2015-REP-11-0109 Good Samaritan Education Association
OEA/NEA and Defiance County Board of
Developmental Disabilities
- Non-Professional Question #1
- There were seventeen (17) valid ballot cast
 - There were zero (0) void ballots
 - There were zero (0) challenged ballots
 - NO (non-inclusion with professional employees) received two (2) votes.
 - YES (inclusion with the professional employees) received fifteen (15) votes.
 - YES (inclusion with the professional employees) prevailed in this election.
- Professional Question #1
- There were twelve (12) valid ballots cast
 - There were zero (0) void ballots
 - There were zero (0) challenged ballots
 - NO (non-inclusion with non-professional employees) received 1 vote
 - YES (inclusion with the non-professional employees) received eleven (11) votes
 - YES (inclusion with the non-professional employees) prevailed in this election.
- Non-Professional Question #2
- There were seventeen (17) valid ballot cast
 - There were zero (0) void ballots
 - There were zero (0) challenged ballots
 - No Representative received two (2) votes
 - Good Samaritan Education Association, OEA/NEA received fifteen (15) votes
 - Good Samaritan Education Association, OEA/NEA prevailed in this election.
- Professional Question #2
- There were twelve (12) valid ballots cast
 - There were zero (0) void ballots
 - There were zero (0) challenged ballots
 - No Representative received one (1) vote
 - Good Samaritan Education Association, OEA/NEA received eleven (11) votes
 - Good Samaritan Education Association, OEA/NEA prevailed in this election.

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15. Case 2015-REP-11-0111 Ohio Patrolmen's Benevolent Association and City of Seven Hills

- There were two (2) valid ballots cast
- There were zero (0) void ballots
- There were zero (0) challenged ballots
- No Representative received zero (0) votes
- Ohio Patrolmen's Benevolent Association received two (2) votes
- Ohio Patrolmen's Benevolent Association prevailed in this election.

16. Case 2015-REP-12-0116 Coshocton County Professional EMS Association IAFF Local #5078 and Coshocton County Commissioners

- There were twenty-eight (28) valid ballots cast
- There was one (1) void ballot
- There were zero (0) challenged ballots
- No Representative received nine (9) votes
- Coshocton County Professional EMS Association IAFF Local #5078 received nineteen (19) votes
- Coshocton County Professional EMS Association IAFF Local #5078 prevailed in this election

Elections were held.

Vice Chair Schmidt moved that the Board certify the election results and certify each prevailing employee organization as the exclusive representative of all employees in the relevant bargaining unit. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Cases 2014-ULP-08-0134 SERB v. Amalgamated Transit Union, Local 1385
2014-ULP-10-0198

On August 11, 2014 and October 9, 2014, Greater Dayton Regional Transit Authority ("GDRTA" or "Employer") filed two separate unfair labor practice charges against Amalgamated Transit Union, Local 1385 ("ATU" or "Union"), alleging that the Union violated O.R.C. § 4117.11(B)(3). On August 13, 2015, the State Employment Relations Board ("SERB," "Board," or "Complainant") determined that there was probable cause to believe that the Union had committed or was committing unfair labor practices, consolidated the cases, authorized the issuance of two complaints, and directed the matter to hearing. In September 2015, the Board issued two complaints and assigned the consolidated cases to an administrative law judge for further action.

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On October 23, 2015, the assigned administrative law judge conducted a prehearing with the parties to discuss the proceedings. In lieu of a full evidentiary hearing, the parties agreed to submit this case for a decision on joint stipulations of fact, legal briefs, and exhibits. In December 2015, the parties filed their joint stipulations of fact, legal briefs, and exhibits. On February 23, 2016, the assigned administrative law judge issued a Proposed Order, recommending the Board find that the Union violated O.R.C. § 4117.11(B)(3) by refusing to bargain in good faith with the exclusive representative of the Employer. Subsequently, the parties filed exceptions to the Proposed Order and responses to exceptions to the Proposed Order.

Vice Chair Schmidt moved that the Board:

1. **adopt** the Findings of Fact and Conclusions of Law in the Proposed Order, finding that the Union violated O.R.C. § 4117.11(B)(3) by refusing to bargain in good faith with the exclusive representative of the Employer.
2. **order** the Amalgamated Transit Union, Local 1385 to take the following action:

A. CEASE AND DESIST FROM:

- (1) Refusing to bargain collectively with a public employer as required by O.R.C. Chapter 4117 by bypassing GDRTA's designated representative for the adjustment of grievances.

B. TAKE THE FOLLOWING AFFIRMATIVE ACTION:

- (1) Post for sixty (60) consecutive calendar days in all the usual and customary posting locations where bargaining-unit employees represented by the Amalgamated Transit Union, Local 1385, work, the Notice to Employees furnished by the State Employment Relations Board stating that the Amalgamated Transit Union shall cease and desist from the actions set forth in paragraph (A) and shall take the affirmative action set forth in paragraph (B);
- (2) Notify the State Employment Relations Board in writing within twenty (20) calendar days from the date the **ORDER** becomes final of the steps that have been taken to comply therewith.

Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote:	SCHMIDT:	<u>Yes</u>	ZIMPHER:	<u>Yes</u>
	Affirmed	<u>X</u>	Denied	<u> </u>

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2. Case 2014-ULP-10-0216 SERB v. Greater Dayton Regional Transit Authority

On October 27, 2014, the Amalgamated Transit Union, Local 1385 ("ATU" or "Union") filed an unfair labor practice charge against the Greater Dayton Regional Transit Authority ("GDRTA" or "Employer"), alleging that the Employer violated O.R.C. §§ 4117.11(A)(1), (A)(5), and (A)(8). On September 21, 2015, the State Employment Relations Board ("SERB," "Board," or "Complainant") determined that there was probable cause to believe that the Employer had committed or was committing unfair labor practices, authorized the issuance of a complaint, and referred the matter to hearing. Subsequently, the Board issued a complaint and assigned the case to an administrative law judge for further action.

On October 23, 2015, the assigned administrative law judge conducted a prehearing with the parties to discuss the proceedings. In lieu of a full evidentiary hearing, the parties agreed to submit the case for a decision on joint stipulations of fact, legal briefs, and exhibits. In December 2015, the parties filed their joint stipulations of fact, legal briefs, and exhibits. On February 23, 2016, the assigned administrative law judge issued a Proposed Order, recommending the Board find that the Employer violated O.R.C. §§ 4117.11(A)(1) and (A)(5) by directly dealing with bargaining-unit employees. Subsequently, the parties filed exceptions to the Proposed Order and responses to exceptions to the Proposed Order.

Vice Chair Schmidt moved that the Board:

1. **adopt** the Findings of Fact and Conclusions of Law in the Proposed Order, finding that the Employer violated O.R.C. §§ 4117.11(A)(1) and (A)(5) by directly dealing with bargaining-unit employees.
2. **order** the Greater Dayton Regional Transit Authority to take the following action:

A. CEASE AND DESIST FROM:

- (1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed in O.R.C. Chapter 4117 by bypassing ATU's designated representative for discussion of terms and conditions of employment and by sending correspondence directly to the International Union for Local 1385.
- (2) Refusing to bargain collectively with a public employer as required by O.R.C. Chapter 4117 by bypassing ATU's designated representative for discussing terms and conditions of employment and by sending correspondence directly to the International Union for Local 1385.

B. TAKE THE FOLLOWING AFFIRMATIVE ACTION:

- (1) Post for sixty (60) consecutive calendar days in all the usual and customary posting locations where bargaining-unit employees represented by the Amalgamated Transit Union, Local 1385, work, the Notice to Employees furnished by the State Employment Relations Board stating that the GDRTA

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shall cease and desist from the actions set forth in paragraph (A) and shall take the affirmative action set forth in paragraph (B);

- (2) Notify the State Employment Relations Board in writing within twenty (20) calendar days from the date the **ORDER** becomes final of the steps that have been taken to comply therewith.

Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

3. Cases 2015-REP-11-0107 Ohio Patrolmen's Benevolent Association and City of Brooklyn
2015-REP-12-0114 Ohio Council 8, American Federation of State County and Municipal Employees, AFL-CIO and City of Brooklyn

On November 19, 2015, Ohio Patrolmen's Benevolent Association ("OPBA" or "Employee Organization") filed a Petition for Amendment of Certification. (Case No. 2015-REP-11-0107). On December 4, 2015, Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO ("AFSCME" or "Employee Organization") filed a Petition for Amendment of Certification. (Case No. 2015-REP-12-0114). Both Employee Organizations seek to represent the employees who hold the positions of "Secretary/Supervisor Administrative Assistant" and "Law Enforcement Services Clerk." On December 4, 2015, AFSCME filed a Motion to Intervene in Case No. 2015-REP-11-0107. On December 21, 2015, OPBA filed objections to AFSCME's Motion to Intervene.

On February 18, 2016, SERB issued a Directive that: consolidated Case Nos. 2015-REP-11-0107 and 2015-REP-12-0114; granted AFSCME's Motion to Intervene in Case No. 2015-REP-11-0107; and directed the matter to SERB's Office of General Counsel for an inquiry to determine the appropriate bargaining unit for the two employees in question.

On April 18, 2016, OPBA filed a Motion to Withdraw its Petition for Amendment of Certification in Case No. 2015-REP-11-0107. OPBA states that the parties have mutually resolved their issues regarding the two employees in question. Since no outstanding issues regarding AFSCME's Petition for Amendment of Certification (Case No. 2015-REP-12-0114) exist, the inquiry date of April 20, 2016 will be vacated.

Vice Chair Schmidt moved that the Board: (1) **grant** OPBA's motion to withdraw (Case No. 2015-REP-11-0107); (2) **dismiss** OPBA's Petition for Amendment of Certification (Case No. 2015-REP-11-0107); and (3) **direct** the Representation Section to proceed with the processing of AFSCME's Petition for Amendment of Certification in Case No. 2015-REP-12-0114. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

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4. Case 2016-ULP-01-0019 General Truck Drivers, Chauffeurs, Warehouseman and Helpers, Teamsters Local No. 957 v. Montgomery County Engineer's Office

At the March 31, 2016 meeting, this matter was referred to the General Counsel for further review and a recommendation.

The issue in this case is when the labor agreement has expired, whether the employer is required to maintain the *Status Quo* or can it unilaterally make changes regarding the scheduling of personal leave and uniform allowance provisions of the expired contract.

In this instance the labor agreement expired December 31, 2015. The union alleges the parties had been negotiating when the employer advised the union, it was not scheduling personal leave pursuant to Article 17 and was not issuing \$250.00 clothing allowance vouchers under Article 18 of the expired contract. The employer states that they have never refused the above as no employee has made any requests under Art. 17 or 18.

Since the above Unfair Labor Practice was filed on January 29, the parties have gone to Fact Finding. On March 25, 2016, Fact Finder Jerry Sellman issued his Report and Recommendation on the remaining disputed issues between the parties. Uniform Allowance was one of the issues submitted to the Fact Finder, Personal Leave was not.

The Report and Recommendation was accepted by both parties and by operation of law, they now have a labor agreement.

It is axiomatic under SERB caselaw, when the contract has expired, parties are required to maintain the status quo unless the dispute resolution procedure has been exhausted. In the case of *In re Cuyahoga County Commissioners*, SERB 89-006 (3-15-89) the Board held that an employer not abiding by the terms and conditions of a contract even after it has expired, pending negotiations, has bargained in bad faith. In the matter of *In re Twinsburg City School District Board of Education*, SERB 2005-010 (12-1-05) SERB held the parties must have exhausted all efforts at bargaining before declaring ultimate impasse and implementing their last and best offer. Finally with *In re Rootstown Local School Dist. Bd. of Ed.* SERB 2011-004 the Board found an unfair labor practice when the employer implemented a proposal during negotiations prior to exhausting the dispute resolution procedure.

Although the negotiations dispute may have been resolved by the Fact Finding award, it appears that further action by the Board is warranted on this charge.

Vice Chair Schmidt moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to an expedited hearing to determine whether charged party violated Ohio Revised Code § 4117.11 (A)(1) and (5) by failing to maintain the status quo during negotiations for a successor agreement and direct the parties to expedited mediation not to exceed 30 days. The issuance of a complaint will be held in abeyance until the completion of the period for mediation. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

IV. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 2015-ULP-11-0234 Ty A. Compher v. Ohio Council 8, AFSCME, AFL-CIO and Its Local 1562

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(1) and (6) by failing to properly represent Mr. Compher by not filing a grievance on his five-day suspension.

Information gathered during the investigation revealed that the Union represented Mr. Compher throughout the entire disciplinary process. Mr. Compher failed to provide sufficient documentation to support the (B) (1) or (6) allegation.

Vice Chair Schmidt moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

2. Case 2015-ULP-11-0246 Massillon City School District Board of Education v. Association of Group Teachers, OEA/NEA

The unfair labor practice charge alleged that the Association violated Ohio Revised Code §4117.11 (B)(1) by filing an internal complaint requesting to have Employer's Counsel, Mary Jo Slick, removed from the negotiation process.

Information gathered during the investigation revealed that there is not sufficient evidence to support the (B)(1) allegation.

Vice Chair Schmidt moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

3. Case 2015-ULP-12-0262 Amy M. Fox v. Ohio Council 8, AFSCME, AFL-CIO and Its Local 2415

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(6) by failing to process a grievance on Amy Fox's behalf.

Information gathered during the investigation revealed that the Union admits that there was confusion amongst the staff regarding who was responsible for filing Ms. Fox's grievance. But when the Union realized its mistake, it filed the grievance in October 2015 and the grievance is currently moving through the grievance process. As a result, the Union's conduct does not rise to the level of a (B) (6) violation.

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Vice Chair Schmidt moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

4. Case 2016-ULP-02-0026 Service Employees International Union, District 1199 v. State of Ohio - Department of Medicaid

The unfair labor practice charge alleged that the Department violated Ohio Revised Code §4117.11 (A)(1), (5) and (8) by unilaterally "forcing" its members to alter their work schedules in order to fit into "certain arbitrary times of the day."

Information gathered during the investigation revealed that the matter is purely contractual encompassing no arguable statutory violation.

The Union did not provide sufficient information or documentation to support the (A)(1) and (8) allegations.

Vice Chair Schmidt moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

5. Case 2016-ULP-02-0027 Paul Glazer v. Garfield Heights Teachers' Association, OEA/NEA

The unfair labor practice charge alleged that the Association violated Ohio Revised Code §4117.11 (B)(6) by failing to properly represent Paul Glazer during his supplemental pay dispute.

Information gathered during the investigation revealed that the Union's actions in its representation of Mr. Glazer were not arbitrary, discriminatory or in bad faith. The Union advised Mr. Glazer throughout the dispute. Based on the totality of the circumstances, the Union's actions do not rise to the level of a (B)(6) statutory violation.

Vice Chair Schmidt moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

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6. Case 2016-ULP-02-0029 Edgewood Teachers Association, OEA/NEA v. Edgewood City School District Board of Education

The unfair labor practice charge alleged that the School Board violated Ohio Revised Code §4117.11 (A)(5) by refusing to bargain either the installation or the effects of installing video cameras in two (2) classrooms at the high school.

Information gathered during the investigation revealed that the Union did not provide sufficient information or documentation to show the nexus between the installation of the cameras and the effect on the wages, hours or terms and conditions of its members. Based on the totality of the circumstances, the District's actions do not rise to the level of an (A)(5) statutory violation.

In addition, based on the October 23, 2015 date that the Union states it became aware of the two (2) cameras, the charge is untimely filed. Using the October 23rd date, the charge should have been filed on or before January 22, 2016, but was not filed until February 10, 2016, 109 days later.

Vice Chair Schmidt moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed and for being untimely filed. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

7. Case 2016-ULP-02-0035 Warren County Deputy Sheriff's Benevolent Association v. Warren County Sheriff's Office

The unfair labor practice charge alleged that County Sheriff violated Ohio Revised Code §4117.11 (A)(1) and (5) by unilaterally implementing revisions to the Shift-Trade Policy.

Information gathered during the investigation revealed that the Union has failed to provide sufficient information or documentation to show the nexus between Employer's revision of the shift trade policy and the effect on the wages, hours and terms and conditions of its' members employment. The Employer formally documented the shift trade policy in 2011 without any concerns or requests to bargain being raised by the Union.

Based on the totality of the circumstances, the Employer's actions do not amount to an (A)(5) violation of the statute.

The Union did not provide sufficient information or documentation to support the (A)(1) allegation.

Vice Chair Schmidt moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

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8. Case 2016-ULP-02-0038 Shelly Carpenter v. International Brotherhood of Teamsters, Local 436

The unfair labor practice charge alleged that the Union violated Ohio Revised Code §4117.11 (B)(1), (2), (3), (4), (5), (6), (7) and (8) by failing to properly represent Shelly Carpenter during the termination process and by refusing to take her grievance to arbitration.

Information gathered during the investigation revealed that based on the information provided, the Union's actions were not arbitrary, discriminatory or in bad faith in its representation of Ms. Carpenter. Furthermore, the Union decided and notified Ms. Carpenter that her grievance lacked merit to advance to arbitration. The Union's actions do not rise to the level of a (B)(6) statutory violation.

Ms. Carpenter did not provide sufficient information or documentation to support the (B)(1), (2), (3), (4), (5), (7) and (8) allegations.

Vice Chair Schmidt moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

9. Case 2015-ULP-11-0245 Kimberly Childs v. State of Ohio - Public Utilities Commission of Ohio (PUCO)

The unfair labor practice charge alleged that the Commission violated Ohio Revised Code §4117.11 (A)(3), (4) and (5) by retaliating against Kimberly Childs when it failed to remove "incomplete and/or misleading information" from her personnel file, which had been used as the basis for her written reprimand.

On February 18, 2016, the Board dismissed the charge. A request for reconsideration was timely filed on March 21st. On March 31st, the Commission timely filed its Brief In Opposition to the request for reconsideration.

The investigation revealed that Ms. Childs did not provide new or additional information meriting reconsideration.

Vice Chair Schmidt moved that the Board construe the request for reconsideration as a motion for reconsideration, and deny the motion with prejudice. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

10. Case 2016-ULP-01-0007 Springfield Education United Support Staff, OEA/NEA v. Springfield City School District Board of Education

11. Cases 2016-ULP-02-0032 Rebecca M. Taylor v. Clark County Board of
2016-ULP-02-0033 Developmental Disabilities

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12. Case 2016-ULP-02-0036 City of New Franklin v. Ohio Patrolmen's Benevolent Association
13. Case 2016-ULP-03-0041 Ohio Council 8, AFSCME, AFL-CIO and Local 1792, AFSCME, AFL-CIO v. Brown County Board of County Commissioners

Items 10 through and including 13 were withdrawn pursuant to requests and motions to withdraw.

Vice Chair Schmidt moved that the Board construe the requests to withdraw as motions to withdraw, and grant the motions with prejudice. Chair Zimpher seconded the motion. Chair Zimpher called for discussion and the vote.

Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied

VI. TABLED AND OTHER MATTERS:

There are no tabled matters.

VII. ADMINISTRATIVE MATTERS:

SERB REGULAR SCHEDULED MEETING DATES:

- May 12, 2016
- June 02, 2016
- June 23, 2016
- August 04, 2016
- August 25, 2016
- September 15, 2016
- October 06, 2016
- October 27, 2016
- November 17, 2016
- December 15, 2016

SYSTEM UPDATES:

- **Employee Organization Annual Report Filings:** For fiscal year ending 11/30/2015, 0 Employee Organizations were required to report not later than 4/15/2016. Licia Sapp of the Research and Training Section tracks their status and works with the Employee Organizations to encourage compliance before the deadline as necessary.
- **Boards and Commissions IT Assessment (BCITA-963):** The IT Assessment Team's Findings and Recommendations Presentation was held on Monday, April 11th. Matt Held chaired the meeting. Christine Dietsch, Shane Trace, and Justin Brown attended on behalf of SERB. The objective of the four phase review, which spanned several weeks, was to perform an assessment of the business operations, information technology, and support needed. From this review they developed an individualized plan, approach, and roadmap for optimization. The goal of this project is to encourage standardization across the State of Ohio, and to improve endpoint security. The bottom line recommendation was that SERB will need to replace 33 HP 6200 desktops and 6 HP EliteBook laptops

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with newer machines, that meet the statewide standard for hardware and then implement the enterprise image standard on all desktops and laptops. In addition, it was recommended that a conversion to the Enterprise eFax Solution be completed as soon as it is feasible.

- **XLN Progress on SMDS Update:** The administrator and staff of Investigations met with XLN to review the latest revisions of the SMDS application. Everything is coming along quite well and on time.
- **Auditor of State:** The audit of SERB for the period of July 1, 2014 to June 30, 2016 has begun. On Friday, April 15th, an entrance conference was held with the auditors to cover the key elements of testing, procedures, and estimated dates of when the field work will begin and end. Field work start date began on Tuesday, April 19, 2016.

WELCOME TO NEW STAFF MEMBERS:

- **Ray Geis** joined SERB as an Administrative Law Judge on April 04, 2016. Ray most recently served as a Labor Relations Manager in the Department of Administrative Services. Ray, a former history and government teacher, brings a deep and wide ranging background to our agency. His Juris Doctor is from the University of Akron, where he served on the school's Law Review. He has interned at the NLRB and has engaged in a wide array of mediation, negotiation, and labor/management legal matters. Ray is a very skilled author of legal opinions, administrative orders and related texts. His work here will certainly add to and complement the already highly skilled competencies of our colleagues.
- **Debra Prots** joined SERB as a Labor Relations Specialist 2 in the Representation Section. Debra began with SERB on Monday, April 18, 2016. Debra was employed in the position of Director of the Williams County Board of Elections in Bryan, Ohio for the past 18 years. Her familiarity with election processes and a good working knowledge of sections of the Ohio Revised Code dealing with election procedures will complement the existing Representation section and SERB staff. Debra has a proven record of outstanding constituent relations skills, as well as a keenly developed appreciation of organization, team work, and integrity. Debra will prove to be a valued addition to our SERB team. Debra relocated from Bryan to the Columbus area.

TRAINING:

- **Advanced Negotiations Seminar:** Held on April 11, 2016. 75 participants attended, not including staff. Registrations were cut off at 75; this was the maximum that could be accommodated.
- **Spring SERB Academy:** Scheduled for May 19 and 20, 2016. CLE's have been approved and there are currently 49 registrations. A reminder email blast was sent to 3500 people on April 19, 2016 with a "final" registration deadline of Friday, April 22, 2016.

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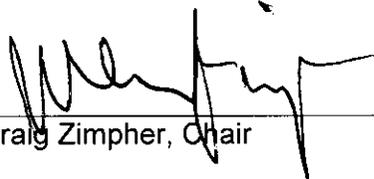
- **Fact-Finding Conference:** Scheduled for August 19, 2016. On Monday, January 04, 2016, save the date reminders were sent to all the Neutrals on SERB's roster. General Counsel is working with Research and Training on the agenda and related presenters. No registrations have been received as of this date; it is still a bit early.
- **Spring SPBR Academy:** Tentatively scheduled for Friday, March 10, 2017 at the Crowne Plaza Hotel - North in Worthington.

IX. ADJOURNMENT:

Vice Chair Schmidt moved that the Board adjourn the meeting. Chair Zimpher seconded the motion. Chair Zimpher called for the vote.

Vote: SCHMIDT: Yes ZIMPHER: Yes
Affirmed X Denied _____

The Board meeting adjourned at 10:34 a.m.

/s/ 

W. Craig Zimpher, Chair